

1 **STEPHEN F. HENRY, ESQ.**

2 STATE BAR # 142336
3 2625 Alcatraz Avenue, # 615
4 Berkeley, California 94705
5 Telephone: (510) 898-1883
6 Facsimile (510) 295-2516
shenry@SHenrylaw.com

7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**

9 **FOR THE**

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 DAVID ZWEIG, an individual,

Case No. 17-cv-05624-MEJ

12 Plaintiff,

**DECLARATION OF STEPHEN F.
HENRY IN SUPPORT OF REQUEST
FOR DEFAULT JUDGMENT**

13 vs.

14 YOSI, INC., a New York corporation,

15 Defendant.

16

17

18 I, Stephen F. Henry, declare:

19 1. I am attorney for plaintiff in the above entitled matter. I have personal knowledge
20 of the facts in this Declaration and if called upon to testify, I could and would testify competently
21 to the facts herein.

22 2. Defendant was served the original complaint in this matter through a Director of
23 the corporation, Dr. Jonathan Feistman, M.D. in New York, New York on December 7, 2017. A
24 copy of the proof of service was filed with this Court on December 12, 2017. See Docket No. 8.
25 Defendant was served with Plaintiff's Amended Complaint on April 3, 2018. See Docket No.
26 25. The clerk issued default on May 11, 2018. See Docket No. 27.

3. Defendant did not file an answer or other responsive pleading.

4. Defendant's chief executive officer, Hari Prasad, has indicated his awareness that a lawsuit was filed in email correspondence with Plaintiff on January 4, 2018 and, on January 10, 2018, by email, the undersigned reminded Mr. Prasad, who is presently unrepresented, of the lawsuit (as well as the Motion for Summary Judgment that the Court denied without prejudice).

5. Nevertheless, Defendant has still not answered.

6. In my last communication, Mr. Prasad, aware of the lawsuit, again attempted to offer an amount that would exclude payroll taxes as a way to save himself money on the debt to Plaintiff.

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct. Executed in Berkeley, California on May 16, 2018.

By /s/ Stephen F. Henry _____
Stephen F. Henry